

Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau
ENVIRONMENTAL ASSESSMENT For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Dukart Inc.
PO Box 135
Wibaux, MT 59337
2. Type of action: Application to Change a Water Right # 42M 30065299
3. Water source name: Groundwater (Fort Union Formation Aquifer)
4. Location affected by project: 1) NWNENE of Section 6, T16N, R59E, Wibaux County
2) NENESE of Section 34, T17N, R58E, Wibaux County
3) SWSWNW of Section 5, T16N, R59E, Wibaux County
4) NENESE of Section 35, T17N, R58E, Wibaux County
5) SWNENW of Section 8, T16N, R59E, Wibaux County
6) NWNWSW of Section 1, T16N, R58E, Wibaux County
7) SENWNE of Section 34, T17N, R58E, Wibaux County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant is adding seven additional stock tanks (total of 12) via a pipeline to an existing Groundwater Certificate to better utilize the land for grazing. The stock tanks will create additional places of use located in Sections 5, 6 and 8, T16N, R59E, Wibaux County; Sections 34 and 35, T17N, R58E, Wibaux County, and Section 1, T16N, R58E, Wibaux County (see above for specific legal land descriptions). This is the second change on this Groundwater Certificate, following a previous change in place of use (42M 8051699). This right will be combined (sharing the same pipeline and place of use) to a second water right (Certificate of Water Right 42M 30065434) that is a Notice of Completion (Notice) developed in the same aquifer. The two rights will serve as back up to each other in case of a well failure and are redundant. The two wells will operate one at a time and are connected to the same pipeline. The water right for this change application (42M 30065299) can water up to 200 animal units (AU).

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Resource Program.....Species of Concern
NRCS Web Soil SurveyWibaux County, Montana

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No significant impacts identified

The source is groundwater, tributary to Castle creek, which is not on the DFWP list. No significant impacts identified.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No impacts identified

The source of water is groundwater, tributary to Castle creek, which is not on the DEQ list. No impact identified.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No significant impacts identified

The well is unlikely to affect adjacent surface flows. No significant impact identified.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No significant impact identified

The diversion is a pipeline and additional stock tanks. No identified impacts to existing resources.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

Determination: No impact identified.

The Montana Natural Heritage Program identified species of concern. The Species of Concern Data Report identifies the Greater Sage-Grouse. No identified impact to the endangered and threatened species.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No impacts identified

No wetlands exist in the area. No impact identified.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No impact identified.

This project does not include a pond. No impact identified.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No significant impacts identified

Alkali deposits that may be saline are common in this part of Montana. However, water for this for this project is not being land-applied. No significant impacts identified.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impacts identified

The disturbed areas have reclaimed themselves since construction. No significant impacts identified.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No impacts identified

There should be no significant impact to air quality from this development. No impact identified.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: NA-project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No significant impacts identified

The stock well has been in place since 1991. The Department is not aware of water use complaints on this source. No significant impacts identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No impact identified

The proposed project is not inconsistent with locally adopted environmental plans and goals. No impacts identified.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impacts identified

The well and stock tanks are built on private property. No impacts identified.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No impacts identified.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No x___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impacts identified.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- | | |
|---|-----------------------------------|
| (a) <u>Cultural uniqueness and diversity?</u> | No impacts identified |
| (b) <u>Local and state tax base and tax revenues?</u> | No Significant impacts identified |
| (c) <u>Existing land uses?</u> | No significant impacts identified |
| (d) <u>Quantity and distribution of employment?</u> | No impacts identified |

- | | |
|---|-----------------------------------|
| (e) <u>Distribution and density of population and housing?</u> | No impacts identified |
| (f) <u>Demands for government services?</u> | No impacts identified |
| (g) <u>Industrial and commercial activity?</u> | No impacts identified |
| (h) <u>Utilities?</u> | No impacts identified |
| (i) <u>Transportation?</u> | No impacts identified |
| (j) <u>Safety?</u> | No significant impacts identified |
| (k) <u>Other appropriate social and economic circumstances?</u> | No impacts identified |

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts No secondary impacts have been identified

Cumulative Impacts No cumulative impacts have been identified

- 3. Describe any mitigation/stipulation measures:** Mitigation or stipulations are not planned at this time.
- 4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:** The no action alternative is the only alternative to the proposed action. Under the no action alternative, the applicant would be unable to obtain a water right for the proposed irrigation and stock use.

PART III. Conclusion

- 1. Preferred Alternative:** Obtain a water right for the proposed purpose.

- 2. Comments and Responses:** None at this time.

- 3. Finding:**
Yes___ No x Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No reasonable alternatives identified.

None of the identified impacts for any of the alternatives is significant as defined in ARM 36.2.524

Name of person(s) responsible for preparation of EA:

Name: Porter Dassenko
Title: Water Resource Specialist
Date: January 27, 2014